MONTANA LEGISLATIVE HISTORY

Chapter 431 19 93

Bill H 151 S _____ Original bill & history ✓ C

H. Committee on Judiciary ✓		S. Committee on Judiciary ✓	
Hearing Date(s) 1-19	✓ C	Hearing Date(s) 3-4	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

HOUSE BILL NO. 151

INTRODUCED BY VOGEL
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 20, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 21, 1993	PRINTING REPORT.
JANUARY 22, 1993	SECOND READING, DO PASS.
JANUARY 23, 1993	ENGROSSING REPORT.
JANUARY 25, 1993	THIRD READING, PASSED. AYES, 91; NOES, 7.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

INTRODUCED BY House, BILL NO. 151

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE TERM "CRIMINAL JUSTICE AGENCY" FOR PURPOSES OF THE MONTANA CRIMINAL JUSTICE INFORMATION ACT TO INCLUDE AGENCIES OF FOREIGN NATIONS THAT ADMINISTER CRIMINAL JUSTICE; AND AMENDING SECTION 44-5-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-103, MCA, is amended to read:

"44-5-103. Definitions. As used in this chapter, the following definitions apply:

(1) "Access" means the ability to read, change, copy, use, transfer, or disseminate criminal justice information maintained by criminal justice agencies.

(2) "Administration of criminal justice" means the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It includes criminal identification activities and the collection, storage, and dissemination of criminal justice information.

(3) "Confidential criminal justice information" means:

(a) criminal investigative information;

(b) criminal intelligence information;

(c) fingerprints and photographs;

(d) criminal justice information or records made confidential by law; and

(e) any other criminal justice information not clearly defined as public criminal justice information.

(4) (a) "Criminal history record information" means information about individuals collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests; detentions; the filing of complaints, indictments, or informations and dispositions arising therefrom; sentences; correctional status; and release. It includes identification information, such as fingerprint records or photographs, unless such the information is obtained for purposes other than the administration of criminal justice.

(b) Criminal history record information does not include:

(i) records of traffic offenses maintained by the department of justice; or

(ii) court records.

(5) (a) "Criminal intelligence information" means information associated with an identifiable individual,

HB 151
INTRODUCED BILL

group, organization, or event compiled by a criminal justice agency:

(i) in the course of conducting an investigation relating to a major criminal conspiracy, projecting potential criminal operation, or producing an estimate of future major criminal activities; or

(ii) in relation to the reliability of information including information derived from reports of informants or investigators or from any type of surveillance.

(b) Criminal intelligence information does not include information relating to political surveillance or criminal investigative information.

(6) "Criminal investigative information" means information associated with an individual, group, organization, or event compiled by a criminal justice agency in the course of conducting an investigation of a crime or crimes. It includes information about a crime or crimes derived from reports of informants or investigators or from any type of surveillance. It does not include criminal intelligence information.

(7) "Criminal justice agency" means:

(a) any court with criminal jurisdiction;

(b) any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of

criminal justice; or

(c) any local government agency not included under subsection (7)(b) that performs as its principal function the administration of criminal justice pursuant to an ordinance or local executive order; or

(d) any agency of a foreign nation that has been designated by that nation's law or chief executive officer to perform as its principal function the administration of criminal justice and that has been approved for the receipt of criminal justice information by the Montana attorney general, who may consult with the United States department of justice.

(8) "Criminal justice information" means information relating to criminal justice collected, processed, or preserved by a criminal justice agency. It does not include the administrative records of a criminal justice agency.

(9) "Criminal justice information system" means a system, automated or manual, operated by foreign, federal, regional, state, or local governments or governmental organizations for collecting, processing, preserving, or disseminating criminal justice information. It includes equipment, facilities, procedures, and agreements.

(10) (a) "Disposition" means information disclosing that criminal proceedings against an individual have terminated and describing the nature of the termination or information

relating to sentencing, correctional supervision, release from correctional supervision, the outcome of appellate or collateral review of criminal proceedings, or executive clemency. Criminal proceedings have terminated if a decision has been made not to bring charges or criminal proceedings have been concluded, abandoned, or indefinitely postponed.

(b) Particular dispositions include but are not limited to:

(i) conviction at trial or on a plea of guilty;

(ii) acquittal;

(iii) acquittal by reason of mental disease or defect;

(iv) acquittal by reason of mental incompetence;

(v) the sentence imposed, including all conditions attached ~~thereto~~ to the sentence by the sentencing judge;

(vi) deferred imposition of sentence with any conditions of deferral;

(vii) nolle prosequi;

(viii) nolo contendere plea;

(ix) deferred prosecution or diversion;

(x) bond forfeiture;

(xi) death;

(xii) release as a result of a successful collateral attack;

(xiii) dismissal of criminal proceedings by the court with or without the commencement of a civil action for

determination of mental incompetence or mental illness;

(xiv) a finding of civil incompetence or mental illness;

(xv) exercise of executive clemency;

(xvi) correctional placement on probation or parole or release; or

(xvii) revocation of probation or parole.

(c) A single arrest of an individual may result in more than one disposition.

(11) "Dissemination" means the communication or transfer of criminal justice information to individuals or agencies other than the criminal justice agency that maintains ~~such~~ the information. It includes confirmation of the existence or nonexistence of criminal justice information.

(12) "Public criminal justice information" means information:

(a) made public by law;

(b) of court records and proceedings;

(c) of convictions, deferred sentences, and deferred prosecutions;

(d) of postconviction proceedings and status;

(e) originated by a criminal justice agency, including:

(i) initial offense reports;

(ii) initial arrest records;

(iii) bail records; and

(iv) daily jail occupancy rosters;

(f) considered necessary by a criminal justice agency to secure public assistance in the apprehension of a suspect; or

(g) statistical information.

(13) "State repository" means the recordkeeping systems maintained by the department of justice pursuant to 44-2-201 in which criminal history record information is collected, processed, preserved, and disseminated.

(14) "Statistical information" means data derived from records in which individuals are not identified or identification is deleted and from which neither individual identity nor any other unique characteristic that could identify an individual is ascertainable."

-End-

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0117	KASTEN, BETTY LOU 1/07	1/13	CLARIFYING INVESTIGATION OF ABUSES IN STATE INSTITUTIONS	PASS AS AMENDED 1/13 VOTE: 18-0		1/14
HB0121	FAGG, RUSSELL 1/19	1/29	DAM SAFETY -- LIABILITY REVISIONS	PASS AS AMENDED 2/3 VOTE: 10-8		2/05
HB0126	KADAS, MIKE 1/08		CONSTITUTIONAL AMENDMENT TO CREATE 80-100 MEMBER UNICAMERAL LEGISLATURE	N/A VOTE:	STATE ADMIN.	
HB0127	PECK, RAY 1/08	1/20	ALLOW HEARSAY IN TROUBLED CHILD TEMPORARY INVESTIGATIVE HEARING	PASS AS AMENDED 1/21 VOTE: 17-1		1/22
HB0128	BROWN, DAVE 1/08	1/14	PROVIDE FOR NOTICE/PUBLIC MEETINGS AS PART OF COUNTY DUI PREVENTION PROGRAM	PASS AS AMENDED 1/21 VOTE: 18-0		1/26
HB0136	BOHLINGER, JOHN 1/11	1/19	CRIME FOR STUDENT TO CARRY OR PARENT TO ALLOW STUDENT TO CARRY WEAPON	TABLED ON 01/28 VOTE: 10-8		
HB0142	ANDERSON, SHIELL 1/12	1/19	INCREASE $ AMOUNT THAT TRIGGERS HIGHER CRIMINAL PENALTIES IN PROPERTY CRIMES	PASS AS AMENDED 1/22 VOTE: 14-4		1/26
HB0151	VOGEL, RANDY 1/12	1/19	DEFINE "CRIMINAL JUSTICE AGENCY" TO INCLUDE FOREIGN AGENCIES	DO PASS 1/19 VOTE: 18-0		1/20
HB0157	VOGEL, RANDY 1/13	1/20	VEHICLE FORFEITURE FOR 3RD OFFENSE DUI	PASS AS AMENDED 2/17 VOTE: 11-7		2/18
HB0187	RICE, SHEILA 1/15	1/22	UNAUTHORIZED USE OF ASSISTANCE PROVIDED BY DFS	PASS AS AMENDED 1/27 VOTE: 18-0		2/01
HB0215	BROOKE, VIVIAN 1/16	1/26	DECRIMINALIZE CONSENSUAL SEXUAL RELATIONS BETWEEN PERSONS OF THE SAME SEX	TABLED ON 02/02 VOTE: 18-0		
HB0228	TOOLE, HOWARD 1/19	2/12	UNIFORM INTERSTATE FAMILY SUPPORT ACT	PASS AS AMENDED 2/16 VOTE: 15-3		2/18

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN RUSSELL FAGG,** on January 19, 1993, at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Dave Brown, Vice Chairman (D)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 136, HB 142, HB 151
Executive Action: HB 151, HB 136

In response to a question of **REP. DAVE BROWN** about how fine money is distributed between city court, justice court, and district court, **Mr. McCarthy** said that city court and justice court keep the same amount of money.

REP. VOGEL referred to HB 142 as the "crime does pay" bill. For instance, $990 would be a misdemeanor, and the maximum fine that can be imposed for a misdemeanor in a theft statute is only $500. **REP. ANDERSON** said that would be for the first offense.

CHAIRMAN FAGG said he supports this bill and asked **Mr. McCarthy** if Butte/Silver-Bow is similar to Yellowstone County where district court judges for the 13th judicial district very rarely fine anybody. **Mr. McCarthy** said that district judges do not want to be in the business of collecting fines. **Mr. McCarthy's** experience has been that fines are imposed with more severity and much more consistency in justice court or city court.

REP. TOOLE asked **Mr. McCarthy** what impact this bill would have on jail populations, especially in larger counties. **Mr. McCarthy** said there will probably be an increase in jail population. There is a greater likelihood of incarceration for offenders under justice courts than there is in district courts.

REP. BROWN asked **Mr. McCarthy** where city court fine money is appropriated. **Mr. McCarthy** said that money from ordinance violations goes 100 percent to city parks. When there is a violation of a state statute, the money goes to the city.

Closing by Sponsor:

REP. ANDERSON noted that covered offenses, as **Mr. McCarthy** said, will be more vigorously prosecuted in JP and city courts. An increase in the threshold reflects a more realistic number, considering it has been at $300 for the past ten years.

HEARING ON HB 151

Opening Statement by Sponsor:

REP. RANDY VOGEL, House District 86, Billings, said that this bill defines the term "criminal justice agency" to include agencies of foreign nations that administer criminal justice. He said that Montana is the only state that does not include foreign countries as a justice agency. These agencies would be allowed the dissemination of criminal information to state law enforcement agencies, with the consent of the Justice Department.

Proponents' Testimony:

Beth Baker, Department of Justice, County Attorneys, stated that

HB 151 was requested by the Department of Justice to facilitate the exchange of criminal justice information with foreign countries, particularly Canada. **EXHIBIT 7**

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

EXECUTIVE ACTION ON HB 151

Motion: **REP. BROWN MOVED HB 151 DO PASS.**

Discussion:
REP. TIM SAYLES asked **REP. VOGEL** other law enforcement should come to Montana without written notice. **REP. VOGEL** said that this bill does not allow anyone to come into Montana but allows Montana to share investigated files with another country.

REP. BOB CLARK asked **REP. VOGEL** if this bill covers registration and drivers license checks. **Ms. Baker** answered that the bill does not cover drivers license information or other information of this sort since that does not require law enforcement. The bill only refers to confidential information.

REP. RUSSELL asked **REP. VOGEL** if what impact this bill has on illegal aliens in Montana. **REP. VOGEL** said this bill allows an exchange of confidential information/material between Montana and foreign countries. It impacts the investigation of people transporting illegal aliens and involved in drug trafficking.

Vote: **HB 151 DO PASS.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 136

Motion: **REP. VOGEL MOVED HB 136 DO PASS.**

Discussion:
REP. VOGEL addressed **REP. BIRD'S** concerns about amending the bill. **REP. BIRD** said she is a substitute teacher and wanted the bill clarified as to whether the bill included teachers carrying weapons on campus on page 2, section 3, line 3: "This section does not apply to law enforcement personnel." **REP. VOGEL** said the bill strikes "law enforcement personnel" and adds "those exceptions in 45-8-317." 45-8-317 is the exception statute as far as carrying concealed weapons.

REP. BROWN is opposed to teachers carrying guns to school - on or near the property. **REP. BROWN** said the bill is too broad, and he would vote no on the bill.

HOUSE OF REPRESENTATIVES

Judiciary COMMITTEE

ROLL CALL DATE 1-19-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell	✓		
Rep. Tim Sayles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

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HOUSE STANDING COMMITTEE REPORT

January 19, 1993

Mr. Speaker: We, the committee on Judiciary report that House Bill 151 (first reading copy -- white) do pass .

Signed: _____

Russ Fagg, Chair

EXHIBIT 7
DATE 1-29-93
H B 151

HOUSE BILL 151

Testimony of Beth Baker
Department of Justice

The Department of Justice requested this bill to facilitate the exchange of criminal justice information with foreign countries, Canada in particular. The governments of the United States and Canada recently implemented an automated system of criminal history record information retrieval and dissemination. Because of Montana's criminal justice information act, we are the only state in the country that is unable to participate in this automated system.

Montana law defines "criminal justice agency" to include federal, state, and local agencies whose principal function is the administration of criminal justice. Under this definition, the Royal Canadian Mounted Police is not considered a criminal justice agency. This bill would simply give agencies such as the RCMP law enforcement status similar to a state or federal law enforcement agency under the Montana Criminal Justice Information Act.

The legislation is drafted to preclude unfettered release of information, since it provides for approval by the attorney general before a foreign agency will be allowed to receive criminal justice information. The bill provides that the Attorney General may consult with the United States Department of Justice which, through its National Central Bureau, administers the electronic interface between the law enforcement authorities of the United States and Canada and serves as the United States' representative in the International Criminal Police Organization.

Considering the substantial common border between Montana and Canada, it is important that the law enforcement agencies of our state be able to share essential information with neighboring law enforcement authorities. In a world where the criminal community does not confine itself to political boundaries, the need for exchange of information between bona fide law enforcement agencies is critical. I urge your support of House Bill 151.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Judiciary COMMITTEE BILL NO. HB 151

DATE Jan. 19, 1995 SPONSOR(S) Sandy Vogel

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Beth Baker	Dept of Justice	✓	
George Schunk	Dept of Justice	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0134	PETERSON, MARY LOU 1/27	3/04	DECERTIFICATION OF PEACE OFFICERS AND DETENTION OFFICERS	CONCUR AS AMENDED 3-8		3/08
HB0142	ANDERSON, SHIELL 2/04	3/23	INCREASE $ AMOUNT THAT TRIGGERS HIGHER CRIMINAL PENALTIES IN PROPERTY CRIMES	CONCUR AS AMENDED 3-23		3/25
HB0151	VOGEL, RANDY 1/27	3/04	DEFINE "CRIMINAL JUSTICE AGENCY" TO INCLUDE FOREIGN AGENCIES	CONCUR AS AMENDED 3-4		3/05
HB0157	VOGEL, RANDY 3/01	3/22	VEHICLE FORFEITURE FOR 3RD OFFENSE DUI	CONCUR AS AMENDED 3-26		3/30
HB0187	RICE, SHEILA 2/08	3/03	UNAUTHORIZED USE OF ASSISTANCE PROVIDED BY DFS	CONCUR 3-3		3/04
HB0191	STRIZICH, BILL 2/03	3/16	REVISE AMUSEMENT GAME LAWS	CONCUR 3-24		3/24
HB0216	GRADY, ED 2/20	3/19	REVISING MOTOR FUEL MARKETING UNFAIR PRACTICES LAW	CONCUR AS AMENDED 3-30		3/30
HB0228	TOOLE, HOWARD 3/01	3/18	UNIFORM INTERSTATE FAMILY SUPPORT ACT	CONCUR 3-26		3/27
HB0234	TOOLE, HOWARD 2/08	3/09	UNIFORM FOREIGN-MONEY CLAIMS ACT	CONCUR 3-9		3/11
HB0235	TOOLE, HOWARD 2/08	3/09	UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT	CONCUR AS AMENDED 3-23		3/24
HB0236	TOOLE, HOWARD 2/20	3/24	IMMUNITY FOR PROVIDER OF HEALTH CARE INFORMATION PURSUANT TO WRITTEN RELEASE	CONCUR AS AMENDED 3-24		3/25
HB0238	SMITH, LIZ 2/04	3/23	INQUIRY INTO FINANCIAL RESOURCES DURING ABUSE OR NEGLECT INVESTIGATIONS	CONCUR 3-23		3/24

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on March 4, 1993, at 10:02 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 68
	HB 134
	HB 151
	HB 255
Executive Action:	HB 68
	HB 151
	HB 66
	HB 67

HEARING ON HB 68

Opening Statement by Sponsor:
Representative Fagg, District 89, told the Committee that HB 68 was brought by the County Attorneys Association. Currently the statute says "within 10 days after an omnibus hearing in District

HEARING ON HB 151

Opening Statement by Sponsor:
Representative Vogel, District 86, said HB 151 defines a Criminal Justice Agency. HB 151 was introduced because of a request by the Justice Department. Currently, Montana is the only state in the nation that does not include foreign countries as a Criminal Justice Agency that would allow dissemination of criminal information with law enforcement within the State. Rep. Vogel said HB 151 provides that the Justice Department would be the oversight agency for the approval that a foreign agency be legitimate. Rep. Vogel told the Committee that there have been problems that have arisen in regards to cases being prepared by Justice Department or other law enforcement agencies in Montana. The Department and the agencies are not able to share investigative files with foreign countries. HB 151 would solve that problem. Rep. Vogel requested that the effective date be immediate upon passage. The reason is because the Justice Department has current problems which could be solved if the effective date was immediate upon passage.

Proponents' Testimony:
Beth Baker, Department of Justice, said the Department of Justice requested HB 151 to facilitate the exchange of criminal justice information with foreign countries, particularly Canada. Ms. Baker told the Committee that the Governments of the United States and Canada implemented an automated system for criminal history record information, retrieval and dissemination. Ms. Baker said because of Montana's Criminal Justice Information Act, Montana is the only state in the country that is unable to participate in the automated system. The reason being that Montana's Criminal Justice Act defines the criminal justice agency to include federal, state, and local agencies whose principal function would be the administration of criminal justice. HB 151 would give foreign law enforcement agencies the status, similar to a state or federal law enforcement agency. HB 151 provides the Attorney General with oversight to approve foreign agencies before they would be allowed to receive criminal justice information. HB 151 would also allow the Attorney General to consult with the Department of Justice. It is important for law enforcement agencies to share essential information because the need for exchange of this information is critical. Ms. Baker urges support of HB 151. Ms. Baker submitted amendments. (Exhibit #4)

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:
Senator Blaylock asked Ms. Baker if all foreign agencies would be

allowed to receive criminal justice information. Ms. Baker said yes with the approval of the Attorney General.

Senator Rye asked Ms. Baker if information could be withheld from foreign counties. Ms. Baker said yes.

Senator Towe asked Ms. Baker what Attorney General reviewed the case. Ms. Baker said the Montana Attorney General.

Senator Towe asked Ms. Baker if the Montana Attorney General would make the decision to share the information with foreign countries. Ms. Baker said yes.

Senator Towe asked Ms. Baker about the information that would be available to foreign agencies. Ms. Baker said currently the Montana Criminal Justice Information Act allows exchange of public criminal justice information. Confidential criminal justice information, which would consist of arrest records, or cases that have not been disposed of, could be shared with any agency in the country with the passage of HB 151. The U.S. Government has facilitated the exchange of that information with Canada. Montana can now obtain that information from Canada, but cannot give the information to them.

Senator Towe asked Ms. Baker about intelligence information. Ms. Baker said Montana would be allowed to share intelligence information, but not as part of the electronic exchange.

Closing by Sponsor:
Rep. Vogel said HB 151 allows Montana to share information that we CHOOSE to share with foreign countries.

EXECUTIVE ACTION ON HB 151

Motion:
Senator Rye moved to Amend HB 151.

Discussion:
Senator Towe said HB 151 is a real serious matter concerning the sharing of information about individuals, that often times is speculation, which could have a serious impact on the people about who the information relates. Senator Towe felt that it is appropriate to allow law enforcement agencies to obtain criminal justice information.

Vote:
The motion to amend HB 151 CARRIED UNANIMOUSLY.

Motion/Vote:
Senator Rye moved HB 151 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 66

Motion:
Senator Bartlett moved HB 66 BE CONCURRED IN.

Discussion:
Senator Bartlett said HB 66 provides more protection for people who are required by the statute to report cases of child abuse by establishing that they make those reports in good faith.

Senator Halligan said it is very rare for anyone other than spouses involved in a child custody dispute, to maliciously report false cases of child abuse.

Vote:
The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 67

Motion:
Senator Bartlett moved to AMEND HB 67.

Discussion:
Senator Bartlett explained the amendments. (Exhibit #5)

Senator Towe asked Senator Bartlett about the concerns the House Judiciary Committee had with HB 67. Senator Bartlett said she attempted to address the concern of the House Committee. There are cases where there may be no study conducted if the Department of Family Services is taken completely out of the picture as a potential source of those studies. HB 67 is trying to identify the instances in which it would be appropriate for the Department of Family Services to conduct the investigation and to limit that to circumstances where no other funding exists.

Senator Towe asked Senator Bartlett about the conducting of studies by the Department of Family Services. Senator Bartlett said the Department of Family Services may not be ordered to conduct the study unless they are recipients of benefits and all reasonable options for the payment of the investigation have been exhausted. Senator Bartlett said the real desire of the Department of Family Services is to get out of doing as much of these studies as they can because it has taken away from what

ROLL CALL

SENATE COMMITTEE Judiciary DATE 3-4-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 4, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 151 (first reading copy -- blue), respectfully report that House Bill No. 151 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 7, line 14.
Following: line 13
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-

Amd. Coord.
Sec. of Senate

Sen Doherty
Senator Carrying Bill

491516SC.San

Amendment to House Bill 151
Third Reading Copy

Prepared by Department of Justice

1. Page 1, line 9.
Following: "MCA"
Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 7, line 13.
Following: "ascertainable."
Insert:
"NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

SENATE JUDICIARY
EXHIBIT NO. 4
DATE 3-4-93
BILL NO. HB151

DATE 3-4-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 68 Favor HB 194 Peterson
HB 151 Good HB 255 Anderson

Name	Representing	Bill No.	Check One Support	Oppose
Dan Anderson	DCHS - MH	255	X	
Kim Kuddelser	MT Mental Health Planning + Advisory Council	255	X	
Gloria Schenk		151	X	
Beth Baker	Dept of Justice	151	✓	
Col Bob Griffith	Dept of Justice	134	✓	
GENE Kiser	MBCC	134	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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